

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	
	:	CRIMINAL ACTION
v.	:	
	:	NO. 07-83
DENNIS HICKS	:	

ORDER

AND NOW, this 9th day of May, 2022, upon consideration of Defendant Dennis Hicks's Motion for Modification of Sentence Pursuant to 18 U.S.C. § 3582 in Light of New Case Precedent (Document No. 78), and for the reasons set forth in the accompanying Memorandum, it is hereby ORDERED that Defendant is DIRECTED to file written notice with the Court within forty-five (45) days of the date of this Order advising whether he wishes to:

(1) Have this Court rule upon his Motion for Modification of Sentence Pursuant to 18 U.S.C. § 3582 as filed;

(2) Have this Court construe his Motion for Modification of Sentence as a Motion to Vacate, Set Aside or Correct Sentence under 28 U.S.C. § 2255 and hear it as such, but lose his ability to file successive § 2255 petitions absent certification by the Court of Appeals pursuant to 28 U.S.C. § 2255(h); or

(3) Withdraw this motion, and file one all-inclusive § 2255 petition raising any and all claims which may have been available to him as of the filing date of September 23, 2019.

Defendant is advised that he may choose only **one (1)** of the foregoing options. Failure to choose one of these options within the time provided shall result in the Court construing this motion as a § 2255 Motion to Vacate, Set Aside or Correct Sentence resulting in Defendant's forfeiting the right to file a successive petition without certification from the Court of Appeals (Option 2).

BY THE COURT:

/s/ Juan R. Sánchez

Juan R. Sánchez, C.J.